

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

PAUL G. SHEARER,

Plaintiff,

vs.

UNITED STATES OF AMERICA, P.  
LYNN SCARLETT, Acting Secretary of  
the Interior, the DEPARTMENT OF THE  
INTERIOR, the NATIONAL PARK  
SERVICE,

Defendants.

Case No. 3:03-cv-00263-JKS (consolidated)

ORDER

Paul G. Shearer seeks compensation for certain mining claims allegedly taken by the United States. The United States has moved for partial summary judgment seeking a determination that certain claims must be excluded from consideration. Docket No. 84. The motion was filed in June of 2006, and a response was due within 15 days of its service. Shearer has sought and obtained numerous extensions in order to file an opposition to the motion, but almost six months have passed and no opposiiton has been filed. *See e.g.*, Orders at Docket Nos 91, 94, and 96.

Shearer has now filed a motion seeking a further extension. Docket No. 98. He asks that at the very least he be given until November 6, 2006, to file his opposition but would prefer an open extension until the government furnishes him a chain of title regarding the property that is the subject of the motion. The government does not oppose an extension from October 9, 2006, to November 6, 2006, but does oppose any further extension predicated on a government duty to provide discovery. Docket No. 99. The government correctly points out that past extensions were granted to allow Shearer to obtain whatever discovery he thought he needed, *see Fed. R. Civ. P.*

56(f), and that Shearer has been dilatory. In any event, it does not appear that Shearer is entitled to have the government perform a title search on his behalf or that a title search would be of significance. It is Shearer's interest in the property, not someone else's interest, that is at stake.

The Court will therefore **grant** the motion at **Docket No. 98** and Shearer one last continuance until November 6, 2006 (which the Court recognizes has already passed). Unless Shearer's **opposition is filed and served** on or before **Monday, November 20, 2006**, the Court will proceed to decide the motion for partial summary judgment on the existing record without further notice to the parties.

**IT IS SO ORDERED.**

Dated at Anchorage, Alaska, this 14th day of November, 2006.

/s/ James K. Singleton, Jr.

**JAMES K. SINGLETON, JR.**  
United States District Judge

ORDER

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